

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

STANDING ROCK SIOUX TRIBE,

Plaintiff,

and

CHEYENNE RIVER SIOUX TRIBE,

Intervenor-Plaintiff,

v.

U.S. ARMY CORPS OF ENGINEERS,

Defendant.

and

DAKOTA ACCESS, LLP,

Intervenor-Defendant.

**Case No. 1:16-cv-1534-JEB
[Consolidated with 1:16-cv-1796 and
1:17-cv-267]**

**IDENTIFICATION OF CLAIMS TO BE
PURSUED**

Plaintiffs Yankton Sioux Tribe and Robert Flying Hawk hereby identify the claims from their original Complaint (ECF 1) that they seek to pursue pursuant to the Court's Minute Order of December 12, 2018, as follows:

1. Plaintiffs' Second Claim for Relief, with respect to Executive Order 13175 and agency and departmental policies, regarding development of the environmental assessment.
2. Plaintiffs' Third Claim for Relief, with respect to Executive Order 13175 and agency and departmental policies, regarding the issuance of Nationwide Permit 12.
3. Plaintiffs' Fourth Claim for Relief, with respect to Executive Order 13175 and agency and departmental policies, regarding the verification of preconstruction notifications.

4. Plaintiffs' Seventh Claim for Relief, violation of the Clean Water Act and the Administrative Procedure Act for failing to consider the public interest when authorizing the Nationwide Permit 12 verifications for preconstruction notifications.

Dated: December 19, 2018.

YANKTON SIOUX TRIBE AND ROBERT
FLYING HAWK

By: s/ Jennifer S. Baker

Jennifer S. Baker, OKBA# 21938

(Pro Hac Vice)

Jeffrey S. Rasmussen, WA #21121

(Pro Hac Vice)

Fredericks Peebles & Morgan LLP

1900 Plaza Drive

Louisville, CO 80027

Phone: (303) 673-9600

Facsimile: (303) 673-9155

jbaker@ndnlaw.com

jasmussen@ndnlaw.com

*Attorneys for Plaintiffs Yankton Sioux Tribe and
Robert Flying Hawk*

s/ Patricia A. Marks

Fredericks Peebles & Morgan LLP

401 9th Street, N.W., Suite 700

Washington, D.C. 20004

Phone: (202) 450-4887

Facsimile: (202) 450-5106

pmarks@ndnlaw.com

*Attorneys for Plaintiffs Yankton Sioux Tribe and
Robert Flying Hawk*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of December, 2018, a copy of the foregoing was filed electronically with the Clerk of the Court. The electronic filing prompted automatic service of the filing to all counsel of record in this case who have obtained CM/ECF passwords.

s/ Catherine A. Wiland

Catherine A. Wiland
Legal Assistant